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TO: NASC - Dr. Welsh
PSAC - Dr. Wiesner
NASA - Mr. Webb
USIA - Mr. Wilson✓
DOD/ISA - Mr. Nitze
FCC - Mr. Minow✓
JUSTICE - Mr. Reis✓
WEATHER - Dr. Reichelderfer✓
CIA - Mr. McCone
AEC - Dr. Seaborg

FROM: IO - Woodruff Wallner✓

SUBJECT: Position Paper for United Nations Outer Space Committee

On Thursday, September 6, at 2:30 P. M., there will be a meeting in Department of State Conference Room 1105. The meeting will consider the attached draft United States Position Paper for the meeting of the United Nations Committee on the Peaceful Uses of Outer Space to be held in New York September 10-15. Mr. Cleveland, Assistant Secretary of International Organization Affairs, will chair the meeting. I hope you will be able to attend or send an appropriate representative.

We plan to discuss the attached paper section by section and hope to reach agreement on a final version which can then be made available for the use of our Delegation in New York. In order to facilitate our discussion on Thursday, I hope that you will formulate such suggestions as you may have in terms of specific proposals for language changes, thus expediting whatever revisions prove necessary in the position paper.

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POSITION PAPER
UNITED STATES DELEGATION

SECOND MEETING OF THE UNITED NATIONS COMMITTEE ON THE
PEACEFUL USES OF OUTER SPACE

Problem:

The United Nations Committee on the Peaceful Uses of Outer Space is scheduled to meet on September 10. A provisional agenda has been suggested by the Committee Chairman, Ambassador Matsch of Austria. The substantive items of that agenda call for the Committee (1) to consider the report of the Scientific and Technical Subcommittee which met in Geneva on May 28-June 13, reports prepared by the International Telecommunication Union and the World Meteorological Organization, the resolution on the peaceful uses of outer space passed by the 34th meeting of the U.N. Economic and Social Council, (2) to consider the report of the Legal Subcommittee which met in Geneva May 28-June 20, and (3) to prepare a report on the work of the Committee to be submitted to the 17th session of the United Nations General Assembly.

There is a strong likelihood that the Soviets will raise the matter of legal principles to govern the exploration and use of outer space. They may table the draft statement of principles which they proposed at the meeting of the Legal Subcommittee in Geneva.

United States Position:

The United States has given the fundamental impetus and direction to efforts of the United Nations to promote international cooperation in the peaceful uses of outer space. The meetings of the Full Committee in March, 1962 and of the two Subcommittees in May-June 1962 were concerned principally with implementing the United States-sponsored Resolution 1721 (XVI) adopted

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by the 16th General Assembly in December, 1961. While it is in the interest of the United States to maintain its position of leadership in advancing international cooperation in this field, and to sustain and advance progress made in the technical and scientific areas and in the exchange of information pursuant to Resolution 1721 (XVI), no major new initiative is planned either for the meeting of the Outer Space Committee or the General Assembly. The meetings of the Outer Space Committee will be limited to one a day for a period of, at most six days. The United States will work for a brief non-contentious meeting and feels that brief consideration of the various reports of the Subcommittees and the Specialized Agencies will more than occupy the Committee during its five or six working sessions. The specific position of the United States on each of the agenda items is set forth below:

1. Adoption of Agenda and Opening Statement by Chairman

a. United States Position: It seems likely that the agenda proposed by Chairman Matsch with which we agree will be adopted without too much discussion. We should oppose any attempt to rearrange the order of the items in such a way as to give priority attention to the report of the Legal Subcommittee over the report of the Scientific and Technical Subcommittee.

We hope that the opening statement by the Chairman will be a brief recapitulation and round-up of the work of the Committee and two Subcommittees to date; that he will urge that political debate and recrimination be held to a minimum; and suggest areas which will in fact lend themselves to a promise of progress. These are the report of the Technical and Scientific Subcommittee and some aspects of the reports of the Specialized Agencies to be considered by the full Committee. Matsch is known to have favored the elaboration of general principles relating to the exploration and use of outer space beyond those agreed upon in Resolution 1721 (XVI), but we believe

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to undertake an initiative on legal matters, such as asking for Committee consideration of ^{Soviet states} general principles to guide states in their conduct of outer space activities, we will wish to be prepared to extend the time devoted to consideration of the Technical Subcommittee report in order to reduce time available at this meeting for any substantive consideration of legal matters (See below).

2. Report of Scientific and Technical Subcommittee

a. United States Position: The United States is satisfied with the progress made by the Scientific and Technical Subcommittee at its meeting in Geneva, and concurs generally in the report of that Subcommittee which will be presented for discussion and endorsement. The report includes recommendations on (1) exchange of information; (2) encouragement of international programs; and (3) international equatorial sounding rocket launching facilities. We have no serious reservations concerning these and should seek to have them approved and forwarded for action by the General Assembly. With regard to subject (3), the United States Delegation should (a) propose that the Committee ask the General Assembly to approve in principle the concept of United Nations sponsorship of international sounding rocket launching facilities; and (b) depending on the status of the Indian launch site (see below), support proposals which call on relevant member states to establish such a site on the geo-magnetic equator in time for research during the IQSY. These proposals should be embodied in the Committee report to the General Assembly.

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In the First Committee of the General Assembly the United States plans to table a draft resolution specifically endorsing the recommendations of the Technical and Scientific Subcommittee on sounding rocket facilities and urging that the Outer Space Committee be assigned the task of developing a plan for the establishment of sounding rocket facilities

to be sponsored by the United Nations.

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b. Comment: The National Aeronautics and Space Administration has had discussions with the Department of Atomic Energy of the Government of India, and with the Indian Committee on Space Research looking to the establishment of a sounding rocket facility in that country. A Memorandum of Understanding probably will have been signed with the Governments of India and the United States to share expenses and responsibilities in connection with the establishment and operation of the facility. This agreement, of course, will not preclude financial or material contributions from other national and international sources. The Government of India has proposed to the UN Secretary-General that this sounding rocket facility be sponsored by the United Nations and made available to member states for research. ~~The United States is in accord with this desire.~~ Italy is also known to be developing a sounding rocket facility (the San Marco project) and to be prepared to offer the facility for use by other United Nations member States. The United States should suggest to Italy that they let India take precedence in seeking sponsorship for the Indian facility in order to make Soviet opposition to a similar request from Italy more difficult. The United States should also seek information from Argentina as to its intentions.

A recommendation of the Scientific and Technical Subcommittee provides that the Committee on the Peaceful Uses of Outer Space, upon being notified by a host state that it has completed arrangements to establish a sounding rocket facility, meet to review the arrangements and assure itself of compliance with the principles suggested by the Subcommittee for the establishment and operation of such facilities with a view to recommending to the General Assembly that the facility in question be given United Nations sponsorship. We feel that United Nations sponsorship of a sounding rocket

facility in India would encourage collaboration among world scientists in space research.

3. Report of the International Telecommunication Union

a. United States Position:

The report prepared by the Administrative Council of the International Telecommunication Union in response to Resolution 1721 (XVI), part D 5, is of an interim character. The ITU Report is informative in nature and makes no recommendations for action other than a suggestion that ECOSOC may wish to support the extension of technical cooperation in the field of telecommunications through the Expanded Program of Technical Assistance and the Special Fund. The United States would hope that the Committee would content itself with noting with appreciation the ITU report. Unless otherwise included in the Committee's report to the General Assembly, which we prefer, we should consider the introduction of a Resolution to this effect.

During the discussion of satellite communications in the Committee the United States Delegation should take advantage of the opportunity to (1) capitalize upon the dramatic scientific and technical progress made by the United States in this field, noting in particular the success of TELSTAR; (2) give a brief progress report on the development of our national satellite communications program, emphasizing its compatibility with our commitment to a truly global and non-discriminatory system of satellite communications; (3) emphasize the significance of the Extraordinary Administrative Radio Conference to be sponsored by the ITU in October, 1963, and in general the importance of reserving an adequate part of the scarce frequency spectrum for space communications; (4) note that the Secretary-General of the ITU has invited all ITU members to submit information on (a) technical progress and developments in space telecommunications; (b) subjects which they regard as appropriate for international cooperation;

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and (c) which of these subjects, if any, should be included on the agenda of the 1963 EARC. The United States, as well as other members of the ITU, is giving close study to these questions. The Secretary-General of ITU is to prepare a report on the basis of responses to serve as guidance for ITU members; (5) suggest, in necessarily broad and qualified terms, the potential utility of satellite communications to the United Nations (e.g., meteorology, educational programs), and our determination to see that opportunities in this regard are thoroughly explored; and (6) emphasize on the one hand the need to avoid competing international systems, with their economic and other disadvantages, and on the other hand stress the need for full international cooperation to ensure the efficient and effective use of a single international system.

b. Comment

United States governmental agencies have under consideration the question of the appropriate role of the ITU in a global system of satellite communications. We are anxious that this matter not be discussed at this meeting of the Outer Space Committee. Since the establishment of such a global system is probably some years off, we do not believe the question will arise. Should it be introduced, the United States delegation should suggest that consideration is premature. The United States delegation should try to sidetrack any initiative which would tend to put the ITU forward as the presumptive directing and regulatory agency for a global satellite communication system. In the General Assembly the United States is considering putting forward a resolution asking the ITU to study problems associated with global satellite communications.

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We are looking into the possibility of televising an appropriate brief part of the General Assembly proceedings, or the opening ceremonies via Telstar. The television and radio section of the UN Secretariat has shown an interest in this. However, negotiations have not as yet progressed to a point where it could be discussed in the Outer Space Committee and we are considering how best to bring it to the attention of UN member states when and if it should prove feasible. We will be particularly interested in having the Telstar carried program seen in the Communist countries but foresees bloc opposition to this.

4. Report of the World Meteorological Organization

a. United States Position

Part C (2) of General Assembly Resolution 1721 (XVI) calls upon the WMO to submit a report to its member governments and to the Economic and Social Council concerning appropriate organizational and financial arrangements necessary to advance the state of atmospheric science and technology so as to provide greater knowledge of basic physical forces affecting climate and the possibility of large scale weather modifications, to develop existing weather forecasting capabilities and to help member states make effective use of such capabilities through regional meteorological centers. In response to the Resolution, the WMO has prepared a fairly comprehensive report which lays down a proposed plan of action.

Depending on the tactical situation in the Committee, in particular, the probable desirability of restricting debate on legal matters, the United States Delegate might introduce a Resolution by which the Committee would note with appreciation the WMO Report, but indicate that further study is required before decisions can be taken on international cooperation in research programs. If such action is not desirable from a tactical point

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which seems likely, of view, the United States Delegation should express these views in the Committee as an indication of the position it intends to take in the General Assembly.

The WMO Report proposed a United Nations subvention for the establishment of an Advisory Committee and suggested the creation of a World Weather Fund, the former to recommend "action required to fill the gaps" in man's knowledge of the atmosphere and basic physical forces. (See Annex H of WMO Report). The World Weather Fund, as pictured in the WMO Report, would help finance a WMO plan to establish and operate various meteorological centers and weather stations and include help in bringing existing weather observation and forecasting networks "to the desired standard."

b. Comment

The United States considers generally that the program proposed in the WMO Report, particularly as it relates to weather service and operations, has considerable merit. However, the problem of coordinating international research in meteorology and the atmospheric sciences is currently being studied by the United States Government and the private American scientific community. The United States does not at this time feel that the WMO should be the agency for coordinating international research. We believe also that the financing of cooperative activities in the outer space field by WMO and other international organizations and national states should come from existing sources including national budgets, the United Nations Expanded Technical Assistance Program, the United Nations Special Fund, and, if this should prove necessary in the case of less developed countries, perhaps through United Nations financing agencies (World Bank, IDA, etc.)

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5. Resolution of the Economic and Social Council

a. United States Position

Under the terms of General Assembly Resolution 1721 (XVI), the World Meteorological Organization and the International Telecommunication Union were requested to submit reports to the Economic and Social Council at its 34th session. ECOSOC met in Geneva July 3-August 3. The Council appears to have spent little time discussing the ITU and WMO reports. A Resolution was adopted by ECOSOC which said that the Council, having considered the WMO and ITU reports, felt the "various suggestions for further action contained in these reports merit careful and systematic study." The operative paragraph of the Resolution "Requests the World Meteorological Organization and the International Telecommunication Union, in co-operation with the United Nations Educational, Scientific and Cultural Organization and the International Council of Scientific Unions, to take steps to develop and plan such educational and training programmes on space meteorological and telecommunication techniques as may be necessary, in response to Parts C and D of General Assembly Resolution 1721 (XVI)." The ECOSOC Resolution then urges member states to give all possible assistance to those organizations in the fields of education and training and transmits the WMO and ITU reports to the 17th General Assembly.

This Resolution was introduced by the United States with the support of the United Kingdom. Our delegation to ECOSOC was instructed to couch the Resolution in relatively innocuous terms and not to endorse the broad recommendations contained in the WMO report including the creation of a special fund for a World Weather Watch. The Outer Space Committee will probably discuss the ECOSOC outer space resolution only briefly.


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There would seem to be no action which the Outer Space Committee should take on the ECOSOC ^{Resolution} ~~Report~~ other than, perhaps, to note briefly the Resolution in its report to the General Assembly.

b. Comment

In its report the United States Delegation to ECOSOC indicated that the ITU and the WMO had hoped that the Council would make more specific recommendations concerning weather and communication satellites and were somewhat disappointed with the Resolution.

6. Report of the Legal Subcommittee

a. United States Position

Resolution 1721 (XVI) invited the Committee on the Peaceful Uses of Outer Space to study and report on legal problems which may arise in the exploration and use of outer space. At the meeting of the Outer Space Committee in March, 1962 a Legal Subcommittee was created composed of the full membership of the main Committee. The Legal Subcommittee was directed to meet in Geneva on May 28 concurrent with the meeting of the Technical and Scientific Subcommittee. The Subcommittee met from May 28-June 20. No tangible progress resulted from the meetings of the Legal Subcommittee. It seemed clear that the Soviets were not at that time interested in serious study of problems of outer space law. It would seem unlikely that the position of the Soviets would have changed by the time the full Committee meets. The United States Delegation should, however, make a dispassionate statement on the discussions of the Legal Subcommittee at its Geneva meetings giving a ~~complete~~ ^{complete} account of the proposals made by the United States and Soviet Union and the compromise proposals of India and Canada. The statement /should

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should make clear the Soviet refusal to consider even procedural action on the subject of injury, loss, or damage, a matter on which there otherwise appeared to be good prospect of agreement. The texts of United States and Soviet proposals and of the Canadian and Indian compromise proposals are contained in the report of the Legal Subcommittee.

The United States does not plan to re-introduce its proposals on liability and on assistance and return or to suggest changes in these proposals at the September meeting of the Outer Space Committee.

Should resolutions on liability or on assistance of and return be continued, the United States delegation should endeavor to have their consideration deferred to a later meeting of the Legal Subcommittee. It is our view that the Subcommittee is the appropriate forum to consider these matters.

The report of the Outer Space Committee to the General Assembly should contain a section on the meetings of the Legal Subcommittee. The United States feels that this should include the texts of the various proposals advanced during the meetings of the Subcommittee and a general statement that, while no tangible progress was made, the meetings did provide an opportunity for useful exchange among all delegations. (During the debate on the outer space item in the First Committee of the General Assembly, the United States may wish to introduce a resolution which would call upon the Outer Space Committee to direct the Legal Subcommittee to meet again in early 1963.)

At the meeting of the Legal Subcommittee in Geneva considerable sentiment was expressed for an elaboration of general principles to govern the exploration and use of outer space. Delegations which showed an interest in this included those of Brazil, Mexico, Argentina, Japan, Iran, and Australia.

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Australia. The Soviets are likely to press for consideration of general principles as a first priority item at the present meeting. If raised, the United States Delegate should seek to have consideration of this subject deferred to a later meeting of the Legal Subcommittee. Furthermore, the United States should work to defeat any proposals to accord priority, in present or subsequent meetings, to consideration of general principles over consideration of other legal subjects (e.g. liability). ?

h. Comment

The Soviet Union tabled in the Legal Subcommittee a "Declaration of the Basic Principles Governing the Activities of States Pertaining to the Exploration and Use of Outer Space," and an "International Agreement on the Rescue of Astronauts and Space Ships Making Emergency Landings." We opposed the former because it attempted to import into the Legal Subcommittee such matters as the question of the banning of war propaganda which had been recently, due to a Soviet reversal of policy, unsuccessfully considered by the Eighteen-Nation Disarmament Conference in Geneva; because it represented an attempt by the Soviet Union to impose a veto over space activities by the United States in cases where they might hold that our activities interfere with those of other states, and an attempt to outlaw the use of earth satellites for intelligence gathering purposes. The Soviets proposal for an international agreement on the rescue of astronauts and space vehicles making emergency landings was unacceptable on three counts: (1) The United States felt that the humanitarian interest in the matter of assistance and return and the relative simplicity of the problem made it appropriate to take action in the form of a General Assembly Resolution, (2) Under the Soviet proposal return of space vehicles and personnel would be required /only

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only in cases where the launchings had been announced in advance and (3) vehicles carrying "devices" for the collection of intelligence information on the territory of another state would not be returned. Should the Soviets advance these proposals in the Outer Space Committee, we will continue to stand on this position.

Following the introduction of the Soviet proposals, the United States introduced a draft General Assembly Resolution entitled "Assistance to and Return of Space Vehicles". This Resolution recommended that assistance be rendered by states to personnel who might be the subject of accidents or experience conditions of distress, and the return of space vehicles and personnel which landed otherwise than as planned. The Soviet Union opposed this draft Resolution; it appeared to have general support among non-bloc nations.

At the Geneva meeting of the Legal Subcommittee the United States also introduced a draft resolution entitled "Liability for Space Vehicle Accidents". This proposal requested the Secretary-General to establish an Advisory Panel of Legal Experts charged with the task of preparing a draft international agreement dealing with the liability of states and international organizations for injury, loss or damage caused by space vehicles. The proposal commended to the Panel certain basic principles: (1) on the underlying responsibility of states and international organizations; (2) on the unqualified character of liability, (3) on the omission of any requirement for prior exhaustion of legal remedies, (4) on presentation of claims within a reasonable time, and (5) on settlement of disputes by the International Court of Justice. In the face of Soviet opposition, the United States Delegation agreed that, in place of a panel of experts, a working group from among

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members of the Legal Subcommittee reflecting the composition of the Committee be established and agreed to the omission from its draft resolution of any substantive principles on liability. The Soviets, however, declined to accept this compromise and insisted, as a condition of their assent, on prior agreement to proceed simultaneously with a declaration of basic principles and a draft international agreement on rescue and return of space vehicles and personnel.

The Canadian Delegation suggested that the subject of liability be assigned to a working group drawn from the Subcommittee; the group would be asked to draw up an international agreement without being given substantive guidelines. Under this compromise formula the subjects of assistance and return and general principles were to be postponed to subsequent sessions of the Subcommittee. Although a majority of delegates to the Subcommittee expressed agreement with the Canadian suggestion, the Soviet Union continued to insist that even procedural action on the question of liability must be linked to action on the other two questions.

7. Report to General Assembly

The Outer Space Committee will prepare a report on its activities since the adoption of Resolution 1721 (XVI) for submission to the General Assembly and for consideration when the Outer Space item on the General Assembly agenda is discussed. Chairman Matsch of the Outer Space Committee has prepared in the name of the three officers of the Committee a draft working paper consisting of a summary of the recommendations contained in the report of the Scientific and Technical Subcommittee; this draft statement makes appropriate reference to the reports of the ITU and WMO.

United States Position

The United States considers that, with some modification and the addition of a brief statement on the meeting of the Legal Subcommittee, the Matsch statement may form the basis for the Report by the Committee to the

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General Assembly.

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The delegation should propose the addition to the statement of a brief summary of the proceedings of the Legal Subcommittee. Such a summary should include a statement of the proposals tabled at the Subcommittee meeting, (U.S., USSR, Indian, Canadian) and a statement that, while no agreement was reached on any of these proposals, the meeting did provide an opportunity for a useful exchange of views.

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